

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 22873 of 2006(W)

AGAINST THE ORDER IN EP.42/2004 IN
OS.38/2002 of ADDL.SUB COURT, ALAPPUZHA

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PETITIONER:

1. SAJIMON, S/O. P.K.GOPINATHAN,
NILAMNIKARTHIL HOUSE, SOUTH ARYANAD VILLAGE,
ALAPPUZHA DISTRICT.

2. P.K.GOPINATHAN, S/O. PACHEN,
-DO- -DO-

3. VINOMA, W/O. P.K.GOPINATHAN,
-DO- -DO-

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS:

1. C.K.PARAMESWARA PANICKER,
PRESIDENT, S.D.V. MANAGING COMMITTEE,
ALAPPUZHA.

2. N.RAMADAS PRABHU,
SECRETARY, S.D.V. MANAGING COMMITTEE,
ALAPPUZHA.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 22873 of 2006

Dated this the 6th day of July , 2007

JUDGMENT

This writ petition is remaining defective for non completion of service of notice on the legal heirs of the 2nd respondent. Having regard to the nature of the decision, which is being taken hereunder, it is not necessary that the legal heirs of the deceased respondent are impleaded in this writ petition.

2. The impugned order is Ext.P2, by which the Execution Court granted stay under Order 21 Rule 26 imposing a condition that the petitioners/judgment debtors deposits a sum of Rs.25,000/- on or before 1.7.2005. This court on admitting the writ petition became inclined to stay Ext.P2 for four months only from 25.8.2006. Thereafter, the order of stay was not extended.

Sri.Grashious Kuriakose, the learned counsel for the petitioners submits that in all probability, the petitioners were able to obtain order of stay from the appellate court itself.

Whatever that be, since the order of stay passed by this court has not been extended from 25.8.2006, I am of the view that for all practical purposes, the writ petition become infructuous.

The writ petition is dismissed on that basis.

**PIUS C. KURIAKOSE,
JUDGE.**

dpk